

REMARKS

Claims 1-5 and 7-31 are all the claims pending in the application. Claim 6 has been canceled without prejudice and/or disclaimer. Claims 25-31 have been added to further define the invention. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Specification

In items numbered 1 and 2 of the Office Action, the Examiner notes informalities in the specification. In response to items numbered 1 and 2(b), Applicants have amended the specification to correct the informalities. With respect to item 2(a), however, Applicants respectfully traverse this objection. As set forth in Webster's Ninth New Collegiate Dictionary (1986), the term "matt" is a variation of "mat" and, therefore, has been properly used throughout the specification.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 1-24 under §112, 2nd paragraph, as indefinite. The Examiner noted specific objections to various claims in item number 3 of the Office Action. Accordingly, with respect to items 3(a and c-f) Applicants have amended the claims in a manner believed to overcome this rejection. With respect to item 3(b), Applicants respectfully traverse this rejection for the same reasons as set forth above with respect to the term "matt". Lastly, with respect to item 3(g), Applicants respectfully submit that line 1 in claim 1 is correct as written, because "a floor covering" is set forth for the first time.

Claim Rejections - 35 U.S.C. § 103

- The Examiner rejected claims 1-8, 15, 16, 21, 22, and 24, under §103(a) as being unpatentable over US Patent 3,385,722 to Weaver et al. (hereinafter Weaver) in view of US Patent 3,223,027 to Soda et al. (hereinafter Soda). Applicants respectfully traverse this rejection because the references fail to establish *prima facie* obviousness in that they fail to teach or suggest all the elements as set forth in Applicants' claims.

Claim 1 sets forth a method for manufacturing a floor covering comprising the steps of, *inter alia*, leading a coated substrate between a pair of belts of a low pressure double belt press, applying heat to agglomerate the coating between the belts, and smoothing the agglomerated coating between a pair of nipping rollers to provide a layer of desired thickness.

Thus, claim 1 sets forth an important feature of the invention in that, namely, the scattered coating is led between a pair of belts of a double belt press which do not apply sufficient pressure to calibrate the thickness of the final product. Rather, the final thickness calibration is achieved by a separate nipping of the finished sheet between a pair of nipping rollers. This achieves a floor covering which can be made in a highly efficient manner with close control of the agglomeration process using the heating/cooling in the double belt press without excessive pressure being applied and thus, allowing efficient agglomeration to take place. It is only after these main agglomeration steps that the thickness is set by passing the floor covering through a separate nipping step.

None of the prior art documents teaches or suggests such a process. That is, there is no suggestion to combine a low pressure double belt press with a separate nipping step. Indeed, because high pressure is applied in conventional presses of the prior art, the thickness of the cover is calibrated in the press and a man of ordinary skill would not then apply a separate nipping step. In contrast to the prior art, the present invention is based on combining a double belt press with a nipping means, but with the important and inventive objective of applying a low pressure in the press to optimize agglomeration while ensuring calibration in a separate nipping step.

Further, one of ordinary skill in the art following Soda's teaching of replacing calender rolls with adjacent runs of metal belts would replace both Weaver's calender rolls 16,17 and Weaver's planishing unit 20 with adjacent runs of metal belts.¹ Therefore, the combination of references would not include leading a coated substrate between a pair of belts of a low pressure double belt press and smoothing an agglomerated coating between a pair of nipping rollers to provide a layer of desired thickness.

¹ Soda at col. 1, lines 14-20, and col. 2, lines 19-25.

- The Examiner rejected claims 2-5 and 23 under §103(a) as being unpatentable over Weaver in view of Soda and US Patent 3,804,657 to Eyman et al. (hereinafter Eyman). Applicants respectfully traverse this rejection because the references fail to establish *prima facie* obviousness in that they fail to teach or suggest every element as set forth in Applicants' claims.

As noted above, Weaver and Soda fail to teach or suggest a low pressure double belt press with a separate nipping step. The Examiner cites Eyman as teaching a glass fiber web as a substrate or backing material for a floor covering. But Eyman does not teach or suggest a low pressure double belt press with a separate nipping step. Therefore, *arguendo*, even assuming that one of ordinary skill in the art was motivated to combine Weaver, Soda, and Eyman, as suggested by the Examiner, any such combination would still not render obvious Applicants' claims.

Claim Rejections - 35 U.S.C. § 102/103

- The Examiner rejected claims 9-14 and 17-20 under §102(b) as anticipated by or, in the alternative, under §103(a) as obvious over US Patent 4,743,187 to Schermutzki (hereinafter Schermutzki) in view of US Patent 4,396,566 to Brinkmann et al. (hereinafter Brinkmann). Applicants respectfully traverse this rejection because Schermutzki fails to disclose, teach or suggest, every element as set forth in Applicants' claims.

Again, claim 1 sets forth a method for manufacturing a floor covering comprising leading a scattered coating between a pair of belts of a low pressure double belt press and then smoothing an agglomerated coating between a pair of nipping rollers to provide a layer of desired thickness. With respect to the rejection under §102, Schermutzki fails to disclose both of these steps and, therefore, fails to anticipate Applicants' claims. Further, with respect to the rejection under §103, Brinkmann fails to teach or suggest these steps. Both Schermutzki and Brinkmann teach the use of a double belt press. But there is no teaching or suggestion that either double belt press applies a low pressure, or that an agglomerated coating is smoothed between a pair of nipping rollers to provide a layer of desired thickness. Therefore, *arguendo*, even assuming that one of ordinary skill in the art were motivated to combine Schermutzki and

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Brinkmann as suggested by the Examiner, any such combination would not render obvious Applicants' claims.

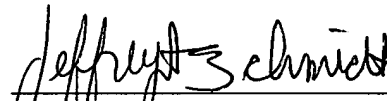
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The following amendments have been made to the specification:

On page 1, the 1st paragraph has been changed as follows:

This application is a continuation of Application No. 09/141,326 filed [June 27, 2000 (which was a CPAA filed based on original filing date of] on August 27, 1998 []], the disclosure of which is incorporated herein by reference.

On page 13, the 1st paragraph has been changed as follows:

We Claim [CLAIMS]

IN THE CLAIMS:

Claim 6 has been canceled without prejudice and/or disclaimer.

The claims are amended as follows:

1. (Amended) A method for manufacturing a floor covering comprising the steps of :
scattering powder, granules or pellets of a thermoplastic material onto a first substrate to
form a first coating;

leading the thus coated substrate [coating] between a pair of belts of a low pressure
double belt press;

applying heat to agglomerate [gel] the coating between the belts;

smoothing the agglomerated [gelled] coating between a pair of nipping rollers to provide
a layer of desired thickness; and

cooling the layer.

2. (Amended) A method as claimed in claim 1, wherein the substrate is a fibre matt
material [, especially a glass fibre matt material] .

7. (Amended) A method as claimed in claim [6] 1, wherein the [nipping means comprises a] pair of [nip] nipping rollers define [defining] a gap therebetween.

9. (Amended) A method as claimed in claim 1, comprising the steps of: [-]
[scattering powder, granules or pellets of thermoplastic material onto a first substrate to form a first coating;]
applying a second substrate over the first coating;
scattering powder, granules or pellets of a thermoplastic material onto the second substrate to form a second coating;
leading the [coatings] thus coated substrates between a pair of belts of a low pressure double belt press;
applying heat to agglomerate [gel] the coatings between the belts;
smoothing the agglomerated [gelled] coatings between a pair of nipping rollers to provide a layered product of desired thickness; and
cooling the layered product.

10. (Amended) A method as claimed in claim 9, wherein the first substrate is defined by a lower one of the [conveyor] belts.

12. (Amended) A method as claimed in claim 9, wherein the second coating is of a different material [to] than the first coating.

17. (Amended) A method as claimed in claim 16, wherein the basecoat is formed by a method including the steps of: [-]
scattering a basecoat-forming material onto [the] a saturation layer of the substrate;
leading the substrate between a pair of belts; and
applying heat to the belts to form a basecoat layer on the saturation layer.

18. (Amended) A method as claimed in claim 1, wherein [a] the substrate is defined by one of the [heating] belts.

21. (Amended) A method as claimed in claim 1, comprising a [including the] step, after heating, of leading the substrate over a smoothing roller prior to cooling [, preferably the substrate is supported on one of the belts as it is led over the smoothing roller, preferably the method includes the step of heating and/or cooling the substrate as it is led over the smoothing roller, preferably the substrate is heated or cooled by heating or cooling the smoothing roller, preferably the substrate is led over an infeed roller to the smoothing roller, preferably the substrate is led over an outfeed roller from the smoothing roller, preferably the substrate is heated or cooled as it is led over the infeed and/or outfeed rollers] .

22. (Amended) A method as claimed in claim 1, wherein the substrate is cooled, after [gelling] agglomerating, by leading the pair of belts through a cooling station.

Claims 25-31 have been added as new claims.